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Attorneys for Defendant Walmart Inc.

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE STATE OF UTAH, CENTRAL DIVISION

EUGENE EASLEY an individual,

Plaintiff,

vs.

WALMART, INC., a Delaware corporation,

Defendant.

**NOTICE OF REMOVAL
TO FEDERAL COURT**

Case No.: 2:21-cv-00161-HCN

Judge Howard C. Nielson, Jr.

NOTICE IS HEREBY GIVEN that Defendant, Walmart Inc., by and through its Counsel of record, Morgan, Minnock, Rice & Miner, L.C., hereby removes this action from the Third Judicial District Court, Salt Lake County, State of Utah, to the United States District Court for the District of Utah, Central Division, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and respectfully states as follows:

1. Plaintiff filed his Complaint in this civil action, Case Number 210900168, against Defendant in the Third Judicial District Court, Salt Lake County, State of Utah, on or about January 12, 2021. A copy of the Complaint is attached as Exhibit “A.”

2. Plaintiff filed Defendant’s Acceptance of Service on February 18, 2021.

3. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because Defendant has (1) satisfied the procedural requirements for removal, and (2) this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332.

4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Counsel for Plaintiff, and a copy is also being filed with the Clerk of the Court for the Third Judicial District Court.

5. With respect to diversity, the citizenship of the Parties to this action is set forth below.

6. According to the Complaint, Plaintiff is and was at the time of commencement of this action a resident of Salt Lake County, State of Utah. Complaint ¶ 1, Exhibit “A.”

7. Walmart Inc. is and was at the time Plaintiff commenced this action a Delaware Corporation with its principal place of business in the State of Arkansas.

8. Based on the foregoing, there is complete diversity between the Parties.

9. With respect to the amount in controversy, Plaintiff is alleging special and general damages, including medical expenses and pain and suffering, sufficient to qualify for Tier 3 under the Utah discovery rules, meaning Plaintiff is claiming \$300,000 or more in damages. Complaint ¶¶ 23-29, Exhibit “A.”

10. Based on the foregoing, Plaintiff's alleged injuries and damages are sufficient to support a claim in excess of \$75,000, and satisfy the requisite amount in controversy for removal of this case.

11. Due to the complete diversity of the Parties to this action, and the amount in controversy in excess of \$75,000, this case meets the requirements for removal to Federal Court, pursuant to 28 U.S.C. § 1332.

WHEREFORE, Defendant, Walmart Inc., removes this action from the Third Judicial District Court, Salt Lake County, State of Utah, pursuant to 28 U.S.C. §1441, and respectfully requests that this Court assume complete jurisdiction over this action and exclude any further proceedings in State Court.

DATED this 16th day of March, 2021.

MORGAN, MINNOCK, RICE & MINER, L.C.

/s/ Mitchel T. Rice

Mitchel T. Rice

Andrea M. Keysar

Marianne Schumann

Attorneys for Defendant Walmart Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, 2021, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** to be served via electronic filing, and USPS first-class mail, postage pre-paid, to the following:

Bruce M. Franson
FLICKINGER SUTTERFIELD & BOULTON
9289 S. Redwood Rd., Ste. A
West Jordan, UT 84088
bruce@fsutah.com

And via the Court's electronic filing system to the following:

THIRD JUDICIAL DISTRICT COURT – Salt Lake County
Clerk of the Court
Matheson Courthouse
450 South State Street
PO Box 1860
Salt Lake City, UT 84114-1860

/s/ Krystal Day
Krystal Day